

FILED

DEC 14 2015

**Clerk, U.S. District Court
District Of Montana
Missoula**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

In Re:

Cause No. CV 15-99-H-DLC

DARRELL WAYNE CHAPAROSA

ORDER

On November 11, 2015, Mr. Chaparosa filed a document with this Court. Because it was difficult to discern exactly what Mr. Chaparosa was attempting to file, the document was filed as a habeas action in the above referenced matter and a companion action was filed pursuant to 42 U.S.C. § 1983. See *In Re: Chaparosa*, No. CV 15-98-H-DLC.

While largely unintelligible, it appears that Mr. Chaparosa is asking this Court to order: (1) that medical supplies be provided to him, (2) that a petition for a name change be supplied, and, (3) that he be transferred to a detention facility in California.

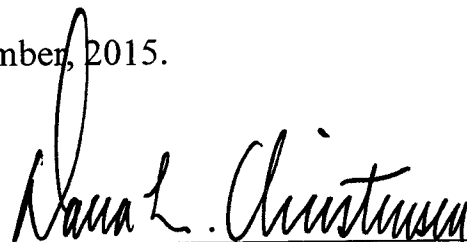
Additionally, Mr. Chaparosa appears to argue yet again before this Court that there is no legal basis for his continued custody because he is not a Fourteenth Amendment citizen. As far as Mr. Chaparosa attempts to advance a claim regarding his citizenship status under the Fourteenth Amendment, this claim is both frivolous and second or successive under 28 U.S.C. § 2244(b)(1).¹

¹ See *In Re DARRELL W. CHAPAROSA*, No. CV 14-38-H-DLC (D. Mont. judgment entered June 11, 2014); see

Mr. Chaparosa's remaining claims are not cognizable for habeas relief under 28 U.S.C. § 2254. A petitioner may not seek relief regarding conditions of confinement via habeas corpus. See *Nelson v. Campbell*, 541 U.S. 637, 643 (2004) ("constitutional claims that merely challenge the conditions of a prisoner's confinement, whether the inmate seeks monetary or injunctive relief, fall outside [the] core [of habeas relief] and may be brought pursuant to § 1983"); *Muhammed v. Close*, 540 U.S. 749, 750 (2004) ("Challenges to the validity of any confinement or the particulars affecting its duration are the province of habeas corpus... requests for relief turning on the circumstances of confinement may be presented in a § 1983 action."). Because Mr. Chaparosa seeks relief as to the conditions of confinement in these claims, he fails to state a cognizable claim pursuant to § 2254.

Accordingly, IT IS HEREBY ORDERED that Chaparosa's petition (Doc. 1) is DISMISSED. A certificate of appealability is DENIED.

DATED this 14th day of December, 2015.



Dana L. Christensen, Chief Judge
United States District Court